

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	16/05/19
Planning Development Manager authorisation:	AN	20/5/19
Admin checks / despatch completed	AN	21/5/19

**Application:** 19/00508/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr Earl

**Address:** 77 Seaview Road Brightlingsea Essex

**Development:** Variation of Condition 2 of application 18/00991FUL - To keep the host dwelling single storey element.

### 1. Town / Parish Council

Brightlingsea Town Council      Brightlingsea Town Council have no comments to make.

### 2. Consultation Responses

Building Control and Access Officer      No comments at this time.

ECC Highways Dept      The Highway Authority does not object to the proposals as submitted.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

Tree & Landscape Officer      The proposed variation of condition application will not alter the impact of the development proposal on existing vegetation on the land as set out in the extant planning permission 18/00991/FUL.

UU Open Spaces      Response from Public Realm  
Open Space & Play

## Application Details

Application No: 19/00508/FUL

Site Address: 77 Seaview Road Brightlingsea Essex CO7 0PR

Description of Development: Variation of Condition 2 of application 18/00991/FUL- To keep the host dwelling single storey element

## Current Position

There is currently a deficit of 13.68 hectares of play and formal open space in Brightlingsea.

## Recommendation

Although there is a deficit of open space and play within Brightlingsea, it is not felt that there will be an impact on the current facilities as a result of this development therefore no contribution is being requested on this occasion.

### 3. Planning History

17/00676/FUL	Proposed erection of a detached dwelling with associated works.	Refused	30.06.2017
18/00991/FUL	Proposed new 2 bedroom dwelling with associated external works along with a new drop kerb and removal of a single storey element to No. 77.	Approved	11.09.2018

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

## Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the

various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal**

### Site Description

The application site is land to the west of 77 Seaview Road, Brightlingsea and currently serves as part of its garden area. The surrounding area is characterised by urban built form, with residential dwellings situated to all sides. The immediate surrounding area sees predominantly detached properties, with the occasional example of semi-detached properties. The site lies within the Settlement Boundary for Brightlingsea, as agreed within both the Adopted Tendring Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### Site History

Under planning reference 17/00676/FUL, planning permission was refused for a single detached dwelling on the grounds that it would represent overdevelopment of the plot, would not have sufficient private amenity area, would result in harm to neighbouring amenities through loss of outlook, and could not demonstrate sufficient parking for the existing dwelling.

However, under planning reference 18/00991/FUL, a similar proposal for a detached dwelling was granted planning permission. The amendments to the scheme previously refused included a revised layout to ensure two parking spaces for the proposed and existing dwellings, the removal of an extension to the existing dwelling and a change of proposed materials.

### Description of Proposal

This application seeks full planning permission for the variation of condition 2 of 18/00991/FUL. The only amendment to this permission is to keep the existing single storey lean-to element of the existing dwelling serving a study/store room.

### Assessment

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The only alteration being proposed to that previously approved under 18/00991/FUL is the retention of the existing single storey lean-to extension serving the existing dwelling, 77 Seaview Road. It is noted an earlier application on this site (17/00676/FUL) was refused partly due to its overdeveloped nature, with this identified harm being significantly reduced with the removal of the single storey element in the approved scheme. However, the plans now show private amenity areas of 75sqm for the proposed two bedroom dwelling, and just short of 75sqm for the existing dwelling (which also includes approximately 35sqm of additional garden area to the front of the property). Given this, that there is now provision for two parking spaces for both plots and that the single storey element will not be particularly prominent from the street scene, on balance it would be unreasonable to object on the grounds of overdevelopment. A condition will be carried across from the previous planning permission to remove permitted development rights, to ensure the site does not become overdeveloped.

Given the lean-to extension is in situ and is of a single storey nature, there is not considered to be any significant adverse impacts to the amenities of the neighbouring property adjacent to the north.

There are no other impacts in comparison to the previously approved scheme, and accordingly Essex Highways Authority and the Council's Tree and Landscapes Officer have offered no objections.

Since the determination of 18/00991/FUL, development which is likely to have a significant effect or an adverse effect (alone or in combination) on a Special Protection Area must provide a financial contribution. However, given that the applicant has the fall-back position of implementing 18/00991/FUL without paying this contribution, it would not be reasonable to request this contribution.

#### Other Considerations

Brightlingsea Town Council support the proposed application.

There have been no other letters of representation received.

### **6. Recommendation**

Approval.

### **7. Conditions**

- 1 The development hereby permitted shall be begun before 11 September 2021.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

18/00991/FUL:

Drawings titled 'Proposed Elevations' revised 21 August 2018, and 'External Material Finishes Schedule for New 2 Bedroom Dwelling' Revision B 21 August 2018.

19/00508/FUL

Drawing numbers FB.002.PL-101 and FB.002.PL-102.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 No above groundworks shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, enclosures, swimming or other pool shall be erected in the garden of either the proposed dwelling or Number 77 Seaview Road except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure adequate private amenity space is retained for both dwellings.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.